

Docket No.: 377/9-1616

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gianluigi GAMBERINI Conf. No. 9685  
Serial No.: 09/989,225 Group Art Unit: 3721  
Filing Date: November 20, 2001 Examiner: John Roger Paradiso  
For: DEVICE FOR PACKAGING ROLLS OF WEB MATERIAL  
IN AN AUTOMATIC PACKAGING MACHINE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Sir:

In response to the Office Action dated April 2, 2004, the applicant hereby respectfully traverses the examiners grounds for rejection.

Claims 1-19 were rejected as being obvious over Cinotti, U.S. Patent No. 5,331,788, in view of Isani, U.S. Patent No. 5,600,935. The applicant believes the examiner has improperly rejected the claims by creating a hindsight reconstruction, modifying the primary reference, Cinotti, in view of Isani, without any teaching or suggestion to do so, instead using the applicants disclosure as a guide to pick only those components that would render the invention obvious while ignoring what the reference, as a whole would fairly suggest to one skilled in the art.

It is not within the framework of 35 USC §103 to pick and choose from the prior art only so much as will support a holding of obviousness to the exclusion of other parts necessary for a full appreciation of what the prior art teaches or suggests, as hindsight is not the test. In re Wesslau, 353 F.2d 238 (CCPA 1965). "Both the suggestion and the expectation of success must be found in the prior art, not in the applicant's disclosure". In re Dow Chemical Co., 837 F.2d

469 (Fed. Cir. 1988). "Citing references which merely indicate that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there must be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention." Ex parte Hiyamzu, 10 USPQ 2d 1393 (POBA 1988).

Cinotti does not disclose a device substantially similar to the claimed invention. Rather, Cinotti describes a device which is completely different from the claimed invention both in its structure and its operation. Cinotti's device has an elevator (3) onto which a group of rolls is first fed by a feeding line. While rising, the elevator causes the rolls to push the wrapping sheet (2), which remain wrapped inside. In the final section of the raised path, the elevator sets the group of rolls with the sheet partially wrapped between the teeth of a conveyor, which transports the group of rolls to other stations where the wrapping is sealed.

In Cinotti's device, the station for receiving the group of rolls to be wrapped is constituted by the elevator (3) equipped with a plate which receives the group of rolls (4) in a first level lower than the level of a conveying line (5) and moves vertically and cyclically, that is, first upwardly, to lift the group of rolls into contact with a sheet (2) of the wrapping film disposed transversely between the elevator and a pair of vertical teeth of the conveying line by which the rolls (4) are restrained on either side, and second downwardly, to receive another group of rolls.

In Cinotti's device, the station for receiving a group of rolls is situated at a level lower than the level of the conveying line and is constituted by a receiving plate. Furthermore, the station for receiving a group of rolls is not provided with delimiting means, and does not maintain in a compact manner the rolls of the group of rolls before and during the wrapping

operation, as it includes only an elevator plate.

Cinotti's device has no delimiting means and compacting means which guide the group of rolls and maintain their correct arrangement during the lifting of the elevator. Consequently, in Cinotti's device, as the receiving station is situated in a level lower than the level of the conveying line and due to the acceleration from raising the elevator, the group of rolls can detach from the plate during the upward run (as reported at pages 2 and 3 of the present application which describes the prior art and the drawbacks of the known devices).

Furthermore, Cinotti's device having a receiving station in a level lower than the level of the conveying line requires two stops and two changes of trajectory imposed to the articles during formation of the package. The group of rolls are fed onto the elevator and then they stop over the plate (first stop): then they are subjected to a first trajectory change as they are directed upward into contact with the sheet and inserted between the teeth of the conveying line (second stop); consequently they are subjected to a second trajectory change by the movement of the conveying line along a fixed direction. (as described at pages 3 and 4 of the present application when describing the prior art and reporting the drawbacks of the known devices).

Just using the teaching of Isani of a pusher arrangement with a quadrangular path, to modify the Cinotti's device, a person of ordinary skill in the art would still be left with the drawbacks and disadvantages above mentioned. That is, a person having ordinary skill in the art, being aware of the content of Cinotti and the content of Isani would not be able to obtain any teaching or incentive to provide a receiving station equipped with delimiting means and compacting means which maintain the correct arrangement of the group of rolls during the lifting of the elevator for insertion of the group of rolls between the teeth of the conveyor chain.

On the contrary, the claimed invention has elements that maintain the correct arrangement of the group of rolls during wrapping by using a receiving station including delimiting means and

compacting means which maintain the correct arrangement of the group of rolls during the movement from the receiving station toward the wrapping sheet and into the conveying line.

Simply modifying the Cinotti device in view of Isani would not to reduce the trajectory changes in the direction of the group of rolls while being moved during wrapping. In fact, using the pusher arrangement of Isani in Cinotti's device, the person skilled in the art would have obtained a device for packaging rolls of web material in which the group of rolls are always fed onto the elevator and then have to be stopped over the plate (first stop), then the group of rolls must be subjected to a first trajectory change as it has to be directed upward into contact with the sheet and be inserted between the teeth of the conveying line (second stop); consequently the group of rolls has to be subjected to a second trajectory change by the movement of the conveying line along a feed direction. Each step merely provides more opportunities for roll mis-alignments.

On the contrary, the claimed invention reduces the number of the trajectory changes of the group of rolls while being moved during wrapping by eliminating the elevator and by providing the receiving station at the same level as the conveying line. Thus, the claimed device succeeds in wrapping the group of rolls without any vertical movement or lifting of the rolls.

Furthermore, the Examiner should note that using the pusher arrangement of Isani in Cinotti's device does not provide for a large group of rolls to be packaged in a streamlined and faster manner. Using an elevator with a quadrangular path (as taught in Isani) in Cinotti's device to lift the group of rolls slows the operation as the feeding of a new group of rolls to be wrapped upon the plate of the elevator can not begin until the elevator returns to its down most position.

The fact that the elevator in Cinotti's device would move vertically following a quadrangular path instead of a rectilinear path (up and down) results in a more time being required for each wrapping operation, as the elevator must travel through the entire path for each

wrapping operation.

In the claimed invention, according to a first embodiment as described on specification page 8, the moving means for moving the group of rolls from the receiving station into the conveying line does not include a pusher but is constituted only by endless conveying means which are operated intermittently and in phase relation with the defining of the groups of rolls in the area Z of the receiving station. These endless conveying means also constitute the lower and upper delimiting means.

Consequently, the person of ordinary skill in the art would not obtain the claimed invention only by applying the pusher arrangement of Isani (pusher with quadrangular path) in the Cinotti's device, as there is no teaching that would lead one to provide the claimed invention with a receiving station located at the same level of the conveying line and comprising delimiting means to compact the group of rolls and to guide and maintain them in their correct arrangement during the wrapping movement from the receiving station into the conveying line.

Regarding the Examiners' belief that it would have been obvious to use multiple conveyors to more securely and precisely hold and move the group of rolls in the combination of Cinotti and Isani, it must be noted that in Cinotti the conveyor is constituted by a chain provided with teeth that only restrained the group of rolls by their opposite lateral side for their movement, where the multiple conveyors in the claimed invention (lower conveying means and upper conveying means) do not only move the group of rolls but also delimit the group of rolls in the receiving station, as well as maintain compact and guide the rolls during the movement from the receiving station into the conveying line.

In Cinotti and Isani, there is no teaching or suggestion for the use of multiple conveyors to delimit the upper side and the lower side of the group of rolls to be wrapped, and contemporaneously move, compact and maintain them in their correct arrangement during the

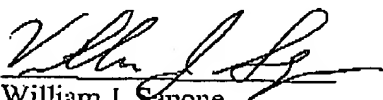
wrapping movement.

Each of the cited patents use devices that do not operate in the same way as the present invention, and there is no teaching suggestion or incentive for providing the apparatus of the present invention. In particular, Cinotti fails to disclose the pusher with the quadrangular path, nor the use of endless belts to form upper and lower delimiting means, nor delimiting means which are movable to allow packed rolls to leave the grouping station, and simply attempting to modify Cinotti to use the quadrangle path of Isani does not achieve the results of the present invention.

Based upon the above amendments and remarks, favorable consideration and allowance of the application is respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of this application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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